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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,806	05/21/1999	MARTIN M. DENEROFF	15-4-737.00	6955

7590 01/19/2006
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EXAMINER

MYERS, PAUL R

ART UNIT PAPER NUMBER

2112

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/315,806	DENEROFF ET AL.	
	Examiner	Art Unit	
	Paul R. Myers	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/18/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that Garnett does not provide any disclosure of an ability to have two processing devices coupled to the bus at the same time.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner notes the claim language simply requires a plurality of devices. Garnett et al teaches a plurality of devices 30-32. Also both Garnett and Stiffler teach the having two processing devices coupled to a bus at the same time Garnett figure 3 and Stiffler figure 1.

In response to applicants argument that all the processing elements in the Stiffler patent, for its pre-grant bus access request technique, are coupled to the bus and a bus access request is pre-granted for a particular processing element to inform the particular processing element that it is next to have access to the bus and there is no coupling of processing elements to the bus within Stiffler. First, the claim language simply requires coupling of devices. Second, Stiffler was not cited for teaching the coupling of the devices. Garnett was cited for the teaching of the coupling of the devices (See figure 1 and Figure 26). Third, the examiner notes the meaning of the word coupling has not been established to imply that there is electrical isolation (See Board Decision

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7/19/04 regarding the word "access"). The examiner notes that Garnett's switches (33-35) provide the electrical isolation of which the applicants have previously argued.

In regards to applicants argument that in the Garnett patent two processing devices cannot be coupled to the bus at the same time. Barring the fact that the claim language does not require the devices be processing devices. Garnett expressly shows two processing devices coupled to a bus at the same time (Figure 3) and Garnett expressly teaches devices (plural) which are active are switched on to the bus (Column 4 lines 53-67).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-2, 4, 7-15, and 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Garnett et al PN 6,260,159 in view of Stiffler et al PN 4,484,273.

In regards to claims 1, 11 and 17: Garnett et al teaches a method of providing access to a bus, comprising: receiving a plurality of device access requests for the bus (Figure 26 item 193 and Figure 1), each of the plurality of device access requests being received from one of a plurality of devices not coupled to the bus (30-32), each of the plurality of devices having a switch associated therewith (33-35); selecting a particular one of the plurality of device access requests according to a predetermined priority protocol (in 185 Column 17 lines 48-53); generating a control signal corresponding to the selected particular one of the plurality of device

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access requests (194); providing the control signal to a particular one of the plurality of devices that sent the selected particular one of the plurality of device access requests (33-35), the control signal enabling the switch associated with the particular one of the plurality of devices to couple the particular one of the plurality of devices to the bus(enabling switch 33-35 Column 4 lines 53-67); selecting a next one of the plurality of device access requests according to the predetermined priority protocol (Column 17 lines 48-53); generating a control signal corresponding to the selected next one of the plurality of device access requests (194 for next device); providing the control signal to a next one of the plurality of devices that sent the selected next one of the plurality of device access requests (33-35), the control signal enabling the switch associated with the next one of the plurality of devices to couple the next one of the plurality of devices (enabling switches 33-35 Column 4 lines 53-67). Garnett et al does not teach the control signal enabling the switch associated with the next one of the plurality of devices to couple the next one of the plurality of devices to the bus prior to an end of the particular one of the plurality of devices being coupled to the bus. Stiffler teaches a bus arbiter that generates a control signal corresponding to the a selected next one of the plurality of device access requests (pre-grant); providing the control signal to a next one of the plurality of devices that sent the selected next one of the plurality of device access requests (Column 5 lines 5-11), the control signal enabling the next one of the plurality of devices to couple to the bus prior to an end of the particular one of the plurality of devices being coupled to the bus (Column 27 lines 8-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention to “pre grant” the requests for the bus because this would have allowed for very little time to be wasted in transferring control of the bus from one device to another.

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In regards to claims 2 and 15: Garnett et al teaches the bus is a PCI bus.

In regards to claims 4, 13 and 18: Garnett et al teaches the requests coming from devices requiring use of the bus.

In regards to claims 7 and 14: Garnett et al teaches arbitrating between a plurality of requests and granting in order.

In regards to claims 8, 10 and 19: Garnett et al teaches disabling output of one device so another can access the bus.

In regards to claims 9 and 12: Garnett et al teaches a limited number of requesters.

4. Claims 3,16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garnett et al PN 6,260, 159 in view of Stiffler et al PN 4,484,273 as applied to claim 1 above, and further in view of the PCI Local Bus Specification.

In regards to claims 3,16 and 20: Garnett et al teaches the well known standard centralized PCI bus arbitration claimed above. Garnett et al however teaches the older PCI standard of 33 Mhz and not the newer 66 or 100 Mhz PCI bus standards. The PCI Local Bus Specification teaches that the 66 Mhz PCI and 100 Mhz PCI bus standards are known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the arbitration method described by Garnett et al in view of Stiffler et al to comply with 66 Mhz and 100 Mhz PCI buses because this would have prevented the arbitration method of Garnett et al in view of Stiffler et al from becoming out of date.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PN 4,980,854 to Donaldson teaches a conditional grant in which a device is granted access to a resource before the resource has been released.

PN 5,265,212 to Bruce II teaches sharing bus access.

PN 5,481,680 to Larson et al teaches a grant line being asserted slightly before a done line is asserted.

PN 5,933,610 to Chambers et al teaches a predictive arbiter grants access before the return of the grant from a second arbiter.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 571 272 3639. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRM
January 9, 2006



**PAUL R. MYERS
PRIMARY EXAMINER**